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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,345	08/18/2000	Nobuyuki Nakano	24350	7207

7590

05/02/2003

Nath & Associates
Sixth Floor
1030 Fifteenth Street NW
Washington, DC 20005

EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 05/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/641,345

Applicant(s)

NAKANO, NOBUYUKI

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-16,18-26,28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) 10-13,26 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-9,14-16,18-25 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 March 2003 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-6, 8, 9, 14-16, 18-22, 25, and 28, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,199,947 B1 to Wiklund.

Wiklund discloses a seatback that includes all the limitations recited in claims 1, 4-6, 8, 9, 14-16, 18-22, 25, and 28, as best understood. Wiklund shows a seatback

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having a seatback frame 3 (Fig. 2) with side frames 9 (Fig. 2), a cross frame 24 (Fig. 2) with a stopper (Fig. 3) having first and second stopper faces (Fig. 4) that are disposed between the side frames for stopping the headrest member from pivotal motion; a pivot 14 (Fig. 3) rotatably supported by the seatback frame; and a headrest member 4 (Fig. 2) supported by the pivot for rotating coaxially with the pivot and relative to the side frames wherein the headrest member includes a headrest 4 (Fig. 2), a supporting member 26 (Fig. 3) located behind the cross frame and including an I-shaped pressure receiving portion 18 (Fig. 2) with a covering and a holder 12 (Fig. 2), a biasing means 16 (Fig. 2) fixed to the side frames, and a spring resilient member 20 (Fig. 2) bridged between the side frames.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiklund in view of U.S. Patent No. 5,884,968 to Massara.

Wiklund discloses a seatback that is basically the same as that recited in claims 7, 23, and 24 except that the pressure receiving portion lacks a resin cover and hook, as recited in the claims. Massara shows a seatback similar to that of Wiklund wherein the pressure receiving portion 60 (Fig. 2) has a resin cover 70 (Fig. 3) with hooks

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biasing the support member 76,78 (Fig. 3) to an original position. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seatback of Wiklund such that the pressure receiving member has a resin cover with a hook for biasing the supporting member to an original position, such as the seatback disclosed in Massara. One would have been motivated to make such a modification in view of the suggestion in Massara that the resin cover with hooks provides forward support in the event of a sudden acceleration.

Response to Arguments

6. Applicant's arguments filed 11 March 2003 have been fully considered but they are not persuasive. Applicant argues that link arms 12 (Fig. 2) of Wiklund are pivots that do not rotate coaxially with the headrest, therefore Wiklund does not teach the seatback define in amended claims 1 and 15. However, link arms 12 (Fig. 2) of Wiklund are not pivots. Pivots 14 (Fig. 3) of seatback are rotatably supported by the seatback frame and support the headrest member for coaxial rotation. In addition, Applicant argues that the cross frame 24 (Fig. 1) of Wiklund is not rotatably supported by the frame, yet this limitation is not recited in the claims. As a result, Wiklund teaches all the limitations recited in amended claims 1 and 15. The rejection under 35 USC 103(a) drawn toward claims 7, 23, and 24 were argued solely on the premise that the cited art does not teach or suggest the seatback defined in amended claims 1 and 15, and as a result the above 35 USC 103(a) rejections of claims 7, 23, and 24 remain.

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Upon consideration of the Applicant's arguments, Examiner maintains the rejections of claims 1, 4-9, 14-16, 18-25, and 28.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


JE
April 30, 2003


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600